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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,501	10/27/2003	Del Warrick	97674.00008	2663

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Stamford, CT 06902

EXAMINER
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LUM VANNUCCI, LEE SIN YEE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/694,501	<b>Applicant(s)</b> WARRICK, DEL	
	<b>Examiner</b> Lee Lum	<b>Art Unit</b> 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) remaining is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3, 5, 8-10, 12, 14, 15, 17, 18** are rejected under 35 U.S.C. 102(e) as being anticipated by Golladay 6723173

Golladay discloses a fluid storage system for a vehicle comprising

Storage tanks 22,24 for mounting towards the rear of the vehicle (fig 1), having

Base, side wall, tank top – all unidentified, inherent - adapted to form a loading tray of the vehicle (fig 1),

The base being sloped (fig 3; top and bottom drawings, and c2, ln 53-54) to define drainage point/valve 32,

The tank including

Spaced baffles 34,

Sealed compartments 22,24 for separate fluids, at least one 24 storing potable water, and including outlet in communication with pump (c2, ln 40-43),

Vacuum unit with pump 12, and tanks 22 (c3, ln 10-14), and,

The vehicle including tailgate loader 30, and,

Is configured to transport/service portable toilets or septic tanks (c1, ln 9-11).

The reference discloses a method of providing a tray back for transporting fluids, the steps derived from the structure/means provided above.

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2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A. **Claims 11, 16 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Golladay.

Re **Claim 11**, Golladay does not disclose the vacuum unit as supported by the storage tank top, but as supported adjacent the tank, as depicted in fig 1, which is functionally equivalent. However, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include this alternate configuration for different applications, and other vehicle-and-tank arrangements.

Re **Claim 16**, Golladay does not disclose a hydraulic pump, but one that is engine-driven, and functionally equivalent. However, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include this alternate drive means for the pump for different applications. Prior art provides various pump drives, all functionally equivalent.

Re **Claim 19**, Golladay does not disclose a trailer comprising a fluid storage tank, but it would have been obvious to one with ordinary skill in the art at the time the invention was made to include this configuration as another transportable means to service portable toilets, thus increase applicability. It is clear that the scope of Golladay's invention extends to utilizing the tank on a trailer since the tank is located on a flat frame structure, and a trailer has this same structure.

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B. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Golladay in view of Denome 6598242.

Golladay does not disclose viewing windows, while Denome shows windows 124. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include these features, as shown in Denome, to provide easy determination of the level of fluids in the tanks, thus increase convenience, and safety (towards filling the tanks to a safely transportable level).

C. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Golladay in view of Denome, and in further view of Driver 6006935.

Denome shows tank 110 made of steel in c3, In 4-5. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include steel as one of several well-known to safely handle the type of expected fluids, thus ensure proper and safe handling, and transport of the same.

Neither reference shows a removable top. Driver shows this feature 21 removably mounted to the sidewall of a tank 18. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this feature, as shown in Driver, to provide access to the tank interior, thus provide convenience, and increase hygiene (e.g., to allow interior cleaning).

D. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Golladay in view of Damron 6659503.

Golladay does not disclose a crane at the rear of the vehicle, while Damron shows this arrangement in fig 1 with crane 31. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this feature, as shown in Damron, to allow overhead handling of toilets for loading/handling with the vehicle/vehicle tank, thus increase applicability and convenience.

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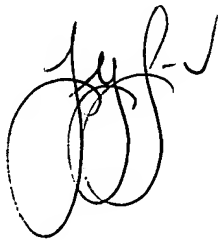
4. **Claim 7** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art does not disclose the invention described above further comprising vents communicating with vent outlets in a headboard.

5. Communication with the Examiner/USPTO

Any inquiry concerning this communication, or others, should be directed to Ms. Lum-Vannucci at 571 272 6649, M-F, 9-5. If she can't be reached, her supervisor, Ms. Lesley Morris, may be reached at 571 272 6651. Our fax number is 571 273 8300.

Info re the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system as follows: for unpublished applications – private PAIR only, for published applications – private or public PAIR. For more info on PAIR – <http://pair-direct.uspto.gov>. For more info on private PAIR – call the Electronic Business Center at 866 217 9197.

Ms. Lee Lum-Vannucci  
Examiner  
6/6/06

A handwritten signature in black ink, appearing to read 'Lum-Vannucci', written over a large, stylized circular flourish.